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UNITED STATES DISTRICT COURT

6

DISTRICT OF NEVADA

7

8 BARRY HARRIS

9

PLAINTIFF

CASE NO 3:22-CV-00019-ART-CSD

10

V.S.

"FIRST Amended Complaint"

11

12 TASHEENA COOKE et al (JURY TRIAL Demanded)

13

DEFENDANTS

14

A. JURISDICTION

15

16 1). THIS COURT has JURISDICTION over THIS action pursuant
to: 28 U.S.C § 1343 (a)(3) 42 U.S.C § 1983

17

18 2.) INSTITUTION/CITY Where Plaintiff Currently Resides:

19

HIGH DESERT STATE PRISON

20

21 3.) INSTITUTION/CITY Where VIOLATION(S) occurred:

22

ELY STATE PRISON

23

B. DEFENDANTS

24

25 1). NAME of First Defendant: TASHEENA COOKE The first

26

Defendant IS employed as: warden at ELY STATE PRISON

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Action against her ARE individual ~~and/or~~ official capacity.

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1 2.) NAME of Second Defendant: DAVID DRUMMOND

2 The Second defendant is employed as assistance Warden
 3 at ELY STATE PRISON ACTION AGAINST him ARE Individual
 4 ~~and/or~~ Official capacity.

6 3). NAME of Third Defendant: Robert PYLE The Third
 7 defendant is employed as an correctional officer at ELY
 8 STATE PRISON ACTION against him are Individual ~~and/or~~ Official
 9 capacity.

11 C. NATURE OF The Case

12 1). Briefly State The background of your case:

13 On September 6, 2021 MR. HARRIS was RETALIATED and
 14 harass by officer "Robert PYLE" for Propeeling on him
 15 early that day which officer PYLE made it his
 16 duty to act out of conduct and The result of his
 17 action Left MR. HARRIS personal property damage and missing.
 18 On 9/16/21 MR. HARRIS FILE an Informal grievance which got Rejected
 19 on 10/7/21, again MR. HARRIS FILE another Informal grievance
 20 on 11/21/21 which ALSO got rejected on 12/7/21 Due TO Three
 21 rejection MR. HARRIS move forward with THIS claim in The
 22 Above court because The INSTITUTION refuse TO ALLOW
 23 MR. HARRIS TO EXHAUST per AR 7.40 Three rejection
 24 count as EXHAUSTING ALL Level. --

D. CAUSE OF ACTION

COUNT I

The following CIVIL RIGHTS has been Violated:
8th - Eighth Amendment of The U.S. Constitution
Conditions of ~~con~~finement Violation.

Supporting Facts:

my Supporting FACTS That my Eighth Amendment
rights was Violated under conditions of confinement
are on 9/6/21 C/O Robert PYLE PUT me on a RESTRICTED
diet which deprive me of two of my three daily
meals that I was only feed one meal a day for
seven days which I miss 14 meals in total over
the course of the seven days which was against
the rules and regulations of the prison Administration
I told his Supervisor's about this but they didn't
do anything about it... SO I WAS LEFT TO EAT
food once a day and less in calories than my regular
meals... See Runnels v. Foster, 554 F.3d 807, 812-14 -
(9th Cir. 2009)

COUNT II

The following CIVIL RIGHTS has been VIOLATED:
8th. EIGHTH Amendment of The U.S. CONSTITUTION
deliberate indifference of PLAINTIFF conditions of confinement
VIOLATION by C/O PYLE.

SUPPORTING FACTS:

MRS. COOKE and MR. DRUMMOND ALLOWED C/O
PYLE TO keep me on and put me on a RESTRICTED
diet - diet LOW for 7-DAYS I TOLD them both of
them about what PYLE was doing but they failed
to do anything about IT with deliberate indifference
to my rights and prison RULES and regulations,
see Starr v. Baca 652 F.3d 1202, 1206-07 (9th CIR. 2011)

E. ADMINISTRATIVE RELIEF

PLAINTIFF UTILIZED THE GRIEVANCE
PROCESS PURSUANT TO (AK) 740.01 REGARDING CLAIMS
AND EXHAUSTION... 9/26/21 AT ELY STATE PRISON GRIEVANCE
NUMBER (20063128785)

F. REQUEST FOR RELIEF

I BELIEVE THAT I AM ENTITLED TO THE FOLLOWING
RELIEF:

① \$50,000.00 JOINTLY AND SEVERALLY AGAINST DEFENDANTS
TASHEENA COOKE, DAVID DRUMMOND, AND ROBERT PYLE FOR THE
PHYSICAL AND EMOTIONAL INJURIES, ② \$50,000.00 AGAINST ROBERT PYLE
FOR VIOLATING MY RIGHTS, ③ 100,000.00 AGAINST TASHEENA COOKE
FOR MISLEADING ME AND NOT ALLOWING ME TO EXHAUST
AND/OR ACCESS TO THE COURTS WHICH VIOLATED MY RIGHTS...
④ GRANT SUCH OTHER RELIEF AS IT MAY APPEAR THAT PLAINTIFF
IS ENTITLED...

I DECLARE UNDER PENALTY OF PERJURY UNDER
THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING
IS TRUE AND CORRECT, 28 USC § 1746

DATED THIS 29 DAY OF AUGUST 2023

by BARRY HARRIS